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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,381	03/26/2001	Fred Buchali	Q63522	7839

7590 01/12/2005

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EXAMINER

WANG, TED M

ART UNIT	PAPER NUMBER
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2634

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/816,381	Applicant(s) BUCHALI ET AL.	
	Examiner Ted M Wang	Art Unit 2634	

-- Th MAILING DATE of this communication appears on th cov r sheet with th correspond nce address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 is/are allowed.
- 6) ☒ Claim(s) 5-8 is/are rejected.
- 7) ☒ Claim(s) 2-4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, filed 9/22/2004, with respect to the rejection(s) of claim(s) 1-8 under 35 U.S.C. 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made as follow.

Claim Objections

2. Claims 2-8 are objected to because of the following informalities:
- In claims 2-4 and 7 line 1, claim 5 line 5, and claim 6 line 2, change "characterized in that" to – wherein --.
 - In claim 5 line 1, change "with" to – comprises --, and lines 2-3, delete "with".
 - In claims 6 and 8 line 1, change "with" to – comprises --.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:
- The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 5-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for the following reasons.
- Claim 5 recites the limitation "tappings" in lines 5. It is not clear that the "tappings" are provided from which part of the feedback decision circuit. It is indefinite for this limitation in the claim.

- Claim 5 recites the limitation "the disturbed signal and the decided signal" in lines 5-6. Both disturbed signal and decided signal have not been introduced previously in the claim. There is insufficient antecedent basis for this limitation in the claim.

Allowable Subject Matter

3. Claim 1 is allowed.
4. Claims 2-4 would be allowable if rewritten to overcome the objection(s) set forth in this Office action.
5. Claims 5-8 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
6. The following is a statement of reasons for the indication of allowable subject matter:

- The prior art fails to teach a process of Claim 1 that specifically comprises the following:
 - The instant application is deemed to be directed to a non-obvious improvement over the admitted prior art of the instant application and the invention patented in Pat. No. 6,307,884, 6,016,379, and 5,191,462. The improvement comprises that using the decided signals and an estimated dispersion to generate synthetic, dispersive signals; generating an error signal with the disturbed signals and the synthetic, dispersive signals, and deriving setting parameters for setting the threshold decision elements in accordance with at least said error signal so as to get the advantage of

integrating a pseudo-error monitor which facilitates the assessment and adjustment of the decision element thresholds in the equalizer based on the quality of the signal (page 3 lines 15-28).

Conclusion

7. Reference(s) US 6,016,379 and US 5,191,462 are cited because they are put pertinent to the Optical communication with feedback decision circuit. However, none of references teach detailed connection as recited in claim.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted M Wang whose telephone number is (571) 272-3053. The examiner can normally be reached on 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on (571) 272-3056. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Ted M Wang
Examiner
Art Unit 2634

Ted M. Wang


SHUWANG LIU
PRIMARY EXAMINER